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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,845	01/11/2007	Klemens Bruckerhoff	(524283-0320523) B&B-140	5521
36183	7590	06/19/2009	EXAMINER	
PAUL, HASTINGS, JANOFSKY & WALKER LLP 875 15th Street, NW Washington, DC 20005			GARLAND, STEVEN R	
			ART UNIT	PAPER NUMBER
			2121	
			MAIL DATE	DELIVERY MODE
			06/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,845	Applicant(s) BRUCKERHOFF, KLEMENS	
	Examiner STEVEN R. GARLAND	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/6/06, 1/11/07, 4/23/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5 are pending.
2. Remarks: regarding the papers filed 4/23/09, the International Preliminary Examination Report filed is for the wrong PCT application not the instant application's parent PCT. It is noted however that the correct International Preliminary Examination Report had been previously submitted for the parent PCT on 4/6/06.
3. The substitute specification submitted 4/6/06 has been entered.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lizotte et al. 2006/0026880.

Lizotte et al. 2006/0026880 teaches a method of producing a stamping tool to stamp safety elements on surfaces of a carrier element. (numbered paragraph 0040,0064) Lizotte also teaches the use of digital three dimensional data (0057, depth of material or volume removed), transferring the data to the stamping tool by laser beams in a single step (fig. 4), use of a combination of data for security (fig. 12, 0049, 0058,0062, 0095, 0103). Lizotte also teaches that the method can be applied to various applications or objects such as badges, production of anti-counterfeiting markings, etc. (0095,0101, 0109, 0119). See the abstract; figures; numbered paragraphs 0010, 0040, 0052-0058, 0060, 0062, 0064, 0066, 0085, 0095, 0101, 0103, 0109, 0110, 0119.

Lizotte teaches both the use of multiple laser beams and the use three dimensional data as noted above, but does not specifically show their combination.

It would have been obvious to one of ordinary skill in the art to modify Lizotte to use multiple laser beams to transfer the 3 dimensional data to the stamp for rapid stamp production.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lizotte et al. 2006/0026880 as applied to claims 1-3 above, and further in view of Betti et al. 2004/0242392.

Lizotte et al. 2006/0026880 teaches a method of producing a stamping tool to stamp safety elements on surfaces of a carrier element. (numbered paragraph 0040,0064) Lizotte also teaches the use of digital three dimensional data (0057, depth of material or volume removed), transferring the data to the stamping tool by laser beams in a single step (fig. 4), use of a combination of data for security (fig. 12, 0049, 0058,0062, 0095, 0103). Lizotte also teaches that the method can be applied to various applications or objects such as badges, production of anti-counterfeiting markings, etc. (0095,0101, 0109, 0119). See the abstract; figures; numbered paragraphs 0010, 0040, 0052-0058, 0060, 0062, 0064, 0066, 0085, 0095, 0101, 0103, 0109, 0110, 0119.

Lizotte teaches both the use of multiple laser beams and the use three dimensional data as noted above, but does not specifically show their combination.

It would have been obvious to one of ordinary skill in the art to modify Lizotte to use multiple laser beams to transfer the 3 dimensional data to the stamp for rapid stamp production.

Lizotte teaches that the method can be applied various objects used to stamp an object as noted above but fails to specifically show applying it to a cylinder or pair of drums.

Betti et al. 2004/0242392 teaches laser engraving of a cylinder or two cylinders (drums) for embossing a web material. numbered paragraph 0010.

It would have been obvious to one of ordinary skill in the art to modify Lizotte in view of Betti and apply the method to a web like material. This would allow ease in detecting counterfeit material and also identifying the source of the material.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shaw et al. 2004/0099991 (claim 4) and Joerg et al. 2002/0007750 (0010) are also of interest in the use of a laser for material processing.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN R. GARLAND whose telephone number is (571)272-3741. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2121

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/
Supervisory Patent Examiner, Art Unit 2121

Steven R Garland
Examiner
Art Unit 2121

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Examiner, Art Unit 2121